

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>IN RE:</b>	)	<b>BANKRUPTCY CASE NO.</b>
	)	
<b>DEE FORD'S WEST, LLC</b>	)	<b>24-40320</b>
	)	
<b>DEBTOR.</b>	)	<b>CHAPTER 11</b>

**MOTION TO DISMISS**

**COMES NOW** J. Thomas Corbett, United States Bankruptcy Administrator for the Northern District of Alabama (the "BA"), by and through the undersigned counsel of record, and hereby files this Motion to Dismiss the above-styled case. In support thereof, the BA states as follows:

1. The above-styled case was filed on March 19, 2024. An Operating Order (Doc 26) was entered on March 22, 2024.
2. The Debtor is in material default of the Operating Order. Specifically, the Debtor has not filed operating reports for June and July of 2024, along with supporting bank records for those months, as well as May 2024.
3. Failure to comply with the Operating Order indicates the inability of the Debtor to effectively manage the Debtor's affairs, is indicative of an inability to effectively reorganize, and constitutes "cause" warranting dismissal or conversion under 11 U.S.C. § 1112(b)(4)(E).
4. The Debtor's pending Plan (Doc 76) is not confirmable, and such constitutes cause warranting dismissal or conversion. The Plan is not confirmable for the following reasons:
  - A. The Plan does not make a prima facie showing of feasibility;
  - B. The Debtor's lack of transparency and failure to file basic financial documents;
  - C. There is nothing in the filings or the Plan that clearly support the ability of the Debtor to make Plan payments;
  - D. The Plan does not provide an itemization of expenses or income information; and,
  - F. The Plan does not appear "fair and equitable" as required by 11 U.S.C. § 1191(c)(2) and (3). Specifically, it is not clear that the Plan provides for all disposable income, that there is a reasonable likelihood that the Debtor will be able to make payments under the Plan, and the Plan does not have appropriate remedies to protect creditors if payments are not made.
5. Further delay in moving this case forward will likely result in a continuing loss to or diminution of the estate with no prospect of a successful reorganization and is an unreasonable delay by the Debtor that is prejudicial to creditors. These facts constitute "cause" warranting dismissal or conversion under 11 U.S.C. § 1112(b)(4)(A).

**WHEREFORE**, pursuant to 11 U.S.C. § 1112(b), the BA moves this Court to dismiss the above-styled.

Respectfully submitted this the 12<sup>th</sup> day of September 2024.

/s/ Robert J. Landry, III  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that on the 12th day of September 2024, I have served a copy of the foregoing via email on the party listed below:

Jonathan G. Carpenter  
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Linda B. Gore, Trustee  
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/s/ Robert J. Landry, III